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FILED
DISTRICT COURT OF GUAM

DEC 13 2004

MARY L. M. MORAN
CLERK OF COURT

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**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM**

LOURDES P. AGUON-SCHULTE,) Civil Case No. 04-00046
Plaintiff,)
vs.)
THE GUAM ELECTION COMMISSION,)
et al.)
Defendants.)

JAY MERRILL, etc., et al.)
Plaintiff,)
vs.)
THE GUAM ELECTION COMMISSION,)
et al.)
Defendants.)

)

**ATTORNEY GENERAL'S REPLY ON
BEHALF OF ALL DEFENDANTS TO
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

The Attorney General respectfully says as follows with respect to plaintiffs' motion for summary judgment:

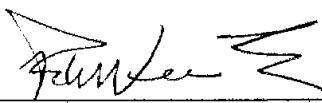
Pursuant to District Court Local Rule 7.1(h)(1), defendants Governor of Guam, the Guam Election Commission, and Guam Election Commission Executive Director Gerald Taitano,

through their lawful attorneys, the Office of Attorney General of Guam, hereby state that they do not oppose plaintiffs' November 23, 2004 motion for summary judgment on the amended complaint's count for declaratory relief, or the relief requested therein. Any statement of opposition reportedly filed on behalf of any named defendant that is not signed by the Office of Attorney General is without lawful authority and due to be held for naught.

This statement of non-opposition to plaintiff's demand for declaratory relief is not intended to and shall not be construed to apply to the entirety of plaintiffs' motion for summary judgment with respect to the amended complaint's request for an order compelling a special election. While defendants agree that plaintiffs are entitled to the declaratory relief they seek, defendants do not agree that plaintiffs are entitled to a special election as their remedy. The issue of what specific relief by means of remedy plaintiffs may or may not be entitled to remains an issue to be litigated.

Respectfully submitted this 13th day of December, 2004.

OFFICE OF THE ATTORNEY GENERAL
Douglas B. Moylan, Attorney General



Robert M. Weinberg
Assistant Attorney General
for All Defendants

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party(ies) with a copy of the foregoing by hand delivery to:

Thomas L. Roberts, Esq.
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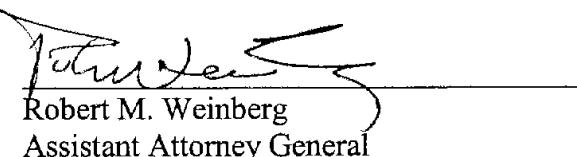
Shannon Taitano, Esq.
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P.O. Box X
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this 13 th day of December, 2004.



Robert M. Weinberg
Assistant Attorney General